

*61 NO
Cont*

26. (Amended) The film according to claim [24] 97 wherein said vinylidene chloride copolymer is a copolymer of vinylidene chloride and methyl acrylate.

32

56. (Amended) The film according to claims [40-]41 [and 42-] -49 and 51 further comprising a barrier layer.

(Please add new claim 97)

97. The film of claim 3 further comprising a barrier layer.

REMARKS

In the Preliminary Amendment filed March 6, 1998, claims 28-34, 61-67 and 83-90 were cancelled. Claims 9, 19-22, 27, 52-55 and 60 were cancelled at the time of filing.

Claims 1-8, 10-18, 23-26, 35-51, 56-59, 68-81 and 91-96 are now pending in this application.

Claims 1-8, 10-18, 23-26, 35-51, 56-59, 68-81 and 91-96 are subject to a restriction requirement. The Examiner has stated that the invention contains claims directed to the following patentably distinct species of the claimed invention: Films made of a polymer produced by single site catalysis selected from the following groups:

- a. Polyethylene and ethylene / alpha-olefin copolymers
- b. Polypropylene and propylene copolymers
- c. Vinyl chloride polymers / copolymers
- d. Ethylene vinyl acetate copolymers
- e. Polystyrene
- f. Polyamides

As part of the restriction requirement, the Office has required applicants under 35 USC §121 to elect a single disclosed species.

Applicants elect the species of claim 3. Claims 1, 2, 7-8, 10-16, 18, 23-26, 35-37, 41-49, 51, 56-59, 71-81, 92-96 and new claim 97 are readable on Applicants' election. Claim 3 and all the claims readable thereon are directed to a structure/film wherein a layer of the structure/film comprises a polymer produced by single site catalysis wherein the polymer is polyethylene and ethylene/alpha-olefin copolymers.

Claims 23, 24, 25 and 26 have been amended and claim 97 has been added in accordance with applicants' election. Claims 4, 5, 6, 17, 38, 39, 40, 50, 68, 69, 70, 82 and

91 have been cancelled. Applicants reserve the right to file a divisional application(s) at a later time to cover the subject matter of the non-elected claims.

In view of the foregoing, allowance of all the claims is respectfully requested.

The Commissioner is hereby authorized to charge payment of any fees in connection with this document to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed

Respectfully submitted,



Joy Ann G. Serauskas
Registration No. 27,952
MCDERMOTT, WILL & EMERY
227 West Monroe Street
Chicago, Illinois 60606-5096
312-372-2000

Date: February 5, 1999

\24180\096\51AMDJGS.001